IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE TENTH DAY OF JUNE
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MS JUSTICE G.ROHINI

WRIT PETITION NO : 10532 of 2005

Between:

Chittem Subbamma W/o Sri Konda Reddy
Varalaxmi Self Help Group, Ankanagodugunur, B. Kondur Mandal,
Kadapa District

..... PETITIONER

AND

1 The District Magistrate and Collector, Kadapa District
2 Mandal Revenue Officer B, Kodur Mandal, Kadapa District
3 Gram Panchayat rep by Sarpanch, Mekavaripalli, B. Kodur Mandal, Kadapa District
4 Smt. M. Gurramma W/o Sri Subbaiah A. Godugunur, B. Kodur Mandal, Kadapa District

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a Writ order or direction more in the nature of Writ of Mandamus declaring the action of the first respondent in issuing proceedings Rc. No. 11233/A6/DEO/2004 dated 31-03-2005 as illegal arbitrary and against the guidelines issued in G.O.Ms. No. 94 Education (SE-PROG.1) Department dated 25-11-2002 and consequentially direct the first and second respondents to appoint the petitioner as Implementation agency for implementing the Mid-Day Meal Programme at Mandal Parishad Elementary School, A. Godugunur, B. Kodur Mandal, Kadapa District and pass such other order or orders as the Hon'ble Court may be deemed fit and proper in the circumstances of the case.

Counsel for the Petitioner : MR. P.V.S.S.S.RAMA RAO

Counsel for the Respondents 1 and 2 : GP FOR REVENUE

The Court at the stage of admission made the following :

THE HON'BLE MS. JUSTICE G.ROHINI

WRIT PETITION NO.10532 OF 2005

ORDER :

This writ petition is filed seeking a declaration that the proceedings of the 1st respondent, dated 31-3-2005 are arbitrary and illegal and against the guidelines issued in G.O.Ms.No.94, dated 25-11-2002.

The petitioner claims to be the group leader of Varalakshmi Self-help Group (DWACRA)of A.Godugunur Village, B.Kodur Mandal, Kadapa District. It is stated that in terms of G.O.Ms.No.94, Education (SEPROG.I) Department, dated 25-11-2002, initially the fourth respondent herein was appointed as implementing agency in respect of MPP Elementary School in A.Godugunur village. However, on the basis of the enquiry report of the Mandal Educational Officer, dated 21-5-2004, as well as the Resolution of the Gram Panchayat and also taking into consideration the request of the School Education Committee and the Head Master of the School, the fourth respondent was discontinued as implementing agency and in her place the petitioner was appointed vide proceedings of the 2nd respondent – Mandal Revenue Officer, dated 22-5-2004. While so, the second respondent issued fresh proceedings

dated 15-7-2004 directing the petitioner to stop acting as implementing agency on certain allegations in implementing the Midday Meal Scheme and also on the ground that she is not a member of DWACRA group. However, the second respondent while discontinuing the petitioner, again appointed the 4th respondent as implementing agency. The petitioner alleges that the said order of the 2nd respondent was contrary to the resolutions passed by the third respondent – Gram Panchayat and also not in conformity with the guidelines issued in G.O.Ms.No.94, dated 25-11-2002 and accordingly filed W.P.No. 14761 of 2004. The said writ petition was disposed of by this Court, by order dated 19-8-2004 observing that the petitioner can approach the District Collector, Kadapa by making a representation within a period of two weeks, in which event the District Collector shall consider the same after due notice to the parties and pass appropriate orders in accordance with law. Thereafter, the petitioner made a representation before the 1st respondent. In pursuance thereof, the 1st respondent has taken up the enquiry and recorded the statements of both the writ petitioner and the fourth respondent. The 1st respondent has also recorded the statement of Mandal Revenue Officer, B.Kodur and on appreciation of the entire material on record confirmed the appointment of the fourth respondent as implementing agency observing that she has been performing satisfactorily since introduction of the Midday Meal Scheme. It was also found that after constitution of the new School Education Committee all of a sudden the local officials have changed the implementing agency which was not warranted. Even with regard to the claim of the writ petitioner, the 1st respondent observed that she was irresponsible and she has locked the school room when local disputes have arisen in respect of implementation of the Midday Meal Scheme. The said order of the 1st respondent, dated 31-03-2005 is under challenge in this writ petition.

Though the learned Counsel for the petitioner vehemently contended that the impugned order is arbitrary and illegal and that the appointment of the fourth respondent is unjustified, I am unable to agree. The 1st respondent who is the competent authority to monitor the Scheme as per the guidelines issued under G.O.Ms.No.94, dated 25-11-2002, having conducted a detailed enquiry found that the services of the fourth respondent are satisfactory and accordingly confirmed her appointment as implementing agency under the Midday Meal Scheme. I do not find

any justifiable reason to interfere with the said finding recorded by the 1st respondent and the impugned order cannot be held to be either arbitrary or illegal.

Accordingly, the Writ Petition is dismissed. No costs.

_____

10th June, 2005.

gbs

To

1 The District Magistrate and Collector, Kadapa District
2 The Mandal Revenue Officer B, Kodur Mandal, Kadapa District
3 The Sarpanch, Gram Panchayat, Mekavaripalli, B. Kodur Mandal, Kadapa District
4. Two CCs to G.P. for Revenue, High Court of AP Bldgs, Hyderabad (OUT).

5. Two CD copies.